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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,936	04/16/2004	Chen-Hsiung Lin	PUSA040349	1619
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NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			EXAMINER GRAYSAY, TAMARA L	
			ART UNIT 3636	PAPER NUMBER

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/826,936

Applicant(s)

LIN, CHEN-HSIUNG

Examiner

Tamara L. Graysay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-13 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

- A person shall be entitled to a patent unless –
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
2. Claims 1 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Li (US-6966667).
    - a. Claim 1: Li discloses a sunshade comprising: an upright bar (12), a reel (unnumbered) mounted mediate the ends of the upright bar (12), a connecting member (unnumbered extending from the top of the upright bar to the transverse bar) having a first end mounted on the end of the upright bar (12), a transverse bar (13) having a first end mounted on a second end of the connecting member (unnumbered), a support member (unnumbered vertically extending member at the right end of transverse bar 13) mounted on a second end of the transverse bar (13), a canopy (23, etc.) mounted on and

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supported by the support member (as depicted in FIG. 1), and a lift cord mounted in the upright bar (unnumbered dashed line within the limits of the upright bar 12) and the transverse bar (unnumbered dashed line within the limits of the transverse bar 13) and having a first end mounted on the reel (unnumbered at the mediate portion of upright bar 12) and the second end connected to the canopy (FIG. 1 depicts the dashed line schematic representation of the lift cord extending from the reel to the canopy).

b. Claim 16: The portions of the cord in the upright bar and transverse bar are entirely hidden therein. The broad recitation does not exclude the portion of the cord that is hidden in the connecting member.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-6, 9-13, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li (US-6966667) as applied to claim 1 and further in view of Dubinsky (US-4993445).

a. Claims 2 and 17: Dubinsky teaches wood umbrella framing having hollow mounting post (46) in an upright bar of the umbrella (FIG. 4C) for retaining and guiding a lift cord in a channel groove formed in an umbrella support member.

In light of Dubinsky, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the upright bar of Li to include a hollow mounting post, such as suggested by the channel shaped piece (46) of Dubinsky, in order to retain and guide the umbrella lift cord.

b. Claim 3: The Dubinsky mounting post (piece 46) is “substantially rectangular” in that it forms a passage that is rectangular within the confines of the three sides of the mounting post (piece 46).

c. Claim 4: The Dubinsky mounting post is received in the receiving channel (40) of (FIG. 4C).

d. Claim 5: The receiving channel (40) is substantially rectangular as depicted in FIG. 4C.

e. Claim 6: The embodiment depicted in FIG. 4D suggests to one of ordinary skill in the art to include a locking tab/groove on the mounting post as a way of securing the mounting post to the receiving channel. Such an arrangement facilitates access to the receiving channel for the purpose of installing the cord (4:24-30). In the preferred embodiment of the Dubinsky mounting post depicted in FIG. 4C as applied above, the sides of the mounting post are secured to the receiving channel using adhesive (4:22-23). Taking Dubinsky as a whole, the use of a tab/groove arrangement would have been

suggested to one of ordinary skill in the art at the time the invention was made as an alternative means of securing the mounting post (piece 46) to the receiving channel.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mounting post of the Li and Dubinsky combination to include a protruding locking strip and mating locking groove, such as suggested by the tab/groove arrangement in Dubinsky, in order to facilitate access to the receiving channel for the purpose of installing the lift cord.

f. Claims 9 and 18: Dubinsky teaches wood umbrella framing having hollow mounting post (46) in an upright bar of the umbrella (FIG. 4C) for retaining and guiding a lift cord in a channel groove formed in an umbrella support member. Although Dubinsky depicts a vertically oriented frame member, the suggestion to use the same hollow mounting post (46) in other umbrella elements is made at column 2, lines 7-13 which proffers the benefit of a hidden cord, i.e., a hidden cord would prevent a knotted cord and a cord intertwined with other elements of the umbrella, and present a more visually appealing umbrella.

In light of Dubinsky, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the transverse bar of Li to include a hollow mounting post, such as suggested by the channel shaped piece (46) of Dubinsky, in order to retain and guide the umbrella lift cord.

g. Claim 10: The Dubinsky mounting post (piece 46) is “substantially rectangular” in that it forms a passage that is rectangular within the confines of the three sides of the mounting post (piece 46).

h. Claim 11: The Dubinsky mounting post is received in the receiving channel (40) (FIG. 4C).

i. Claim 12: The receiving channel (40) is substantially rectangular as depicted in FIG. 4C.

j. Claim 13: The embodiment depicted in FIG. 4D suggests to one of ordinary skill in the art to include a locking tab/groove on the mounting post as a way of securing the mounting post to the receiving channel. Such an arrangement facilitates access to the receiving channel for the purpose of installing the cord (4:24-30). In the preferred embodiment of the Dubinsky mounting post depicted in FIG. 4C as applied above, the sides of the mounting post are secured to the receiving channel using adhesive (4:22-23). Taking Dubinsky as a whole, the use of a tab/groove arrangement would have been suggested to one of ordinary skill in the art at the time the invention was made as an alternative means of securing the mounting post (piece 46) to the receiving channel.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mounting post of the Li and Dubinsky combination to include a protruding locking strip and mating locking groove, such as

suggested by the tab/groove arrangement in Dubinsky, in order to facilitate access to the receiving channel for the purpose of installing the lift cord.

*Allowable Subject Matter*

4. Claims 7, 8, 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Li (US-6945263) depicts a lifting cord that is hidden in an upright bar, connecting member, and transverse bar.
- Kuehn (US-958653) teaches an opening lined with metal for receiving a cord. The metal lining is provided in order to prevent wear on the woodwork due to movement of the cord within the opening.
- Wu (US-5617888) teaches various shaped receiving channels for receiving a cord.
- Boer (US-6227753) teaches a friction fit joint where one element includes a plurality of locking teeth in a gripping section (60) and the other element includes a locking groove (FIGS. 5, 6).
- Meyer (US-3171418) teaches a hollow upright bar including a receiving channel for the lifting cord.
- Bencteux (EP-0595665) teaches an umbrella support having an upright bar and transverse bar where the lifting cord extends through both bars (e.g., FIG. 4).
- Collet (EP-1042973) teaches an umbrella support having an upright bar and transverse bar where the lifting cord extends through both bars (e.g., FIG. 8).
- Yves (FR-2752512) teaches an umbrella support having an upright bar and transverse bar where the lifting cord extends through both bars (e.g., FIGS. 1-3).



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is 571-272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo, can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tamara L. Graysay

Examiner

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